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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,873	09/15/1999	BRUCE DICKSON	5577-175	8033

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	3

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/396,873	DICKSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher J Brown	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 24 April 2000.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-37, 39 is/are rejected.

7) Claim(s) 38 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 September 1999 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.      6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are rejected as cited on the Draftsperson's Patent Drawing Review sheet.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-22 are rejected do to an undue breadth rejection under 35 U.S.C. 112 first paragraph. Claim 1 states, "comprising the steps of" but fails to list more than one step. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-12, 23-28, 30-32, are rejected under 35 U.S.C. 102(e) as being anticipated by Chang US 5,828,034.

3. As per claims 1, and 23 Chang discloses a heated keyboard, (Col 1 lines 55-64). The heated keyboard masks any thermal signature of entry resulting from entry of data by a user of the data entry device, reducing the detectability of the signature by eavesdropping.

As per claims 2, and 25 The signature comprises a temperature differential in the data entry device, and the masking comprises controlling the external temperature of the data entry device, (Col 6 lines 6-13).

As per claims 3, and 24, Chang shows the data entry device is a keyboard, (Col 3 line17).

As per claim 4, Chang discloses the data entry device surface is thermally conductive (joystick), (Col 5 line 7).

As per claim 5, Chang shows the data entry device has external surfaces that are thermally resistive, (plastic), (Col 3 line 18).

As per claims 6, 7, and 26, Chang discloses controlling the temperature in a range surrounding a predetermined set point by monitoring the temperature and controlling the heating element to provide a temperature around said set point (Col 6 line 14)

As per claim 9, Chang discloses the step of controlling the external temperature using conduction, (heating element), (Col 3 line 32).

As per claims 10, and 30 Chang discloses controlling the temperature using convection, (fan), (Col 3 line 55).

As per claims 11, and 31 Chang discloses controlling the temperature by blowing a stream of temperature controlled air near the data entry device, (fan), (Col 3 line 55).

As per claims 12 and 28, Chang discloses controlling the temperature through radiation, (heating element), (Col 3 line 31).

As per claim 27, Chang discloses the step of controlling the external temperature using a heating element as part of the data entry device, (Col 3 line 27).

As per claim 32, Chang discloses that masking comprises a control circuit comprising a temperature sensor associated with the data entry device, said control circuit controls the means for establishing the external temperature based on the sensed temperature, (Col 6 line14).

**Claims 1, 14, 15, 19, 20, 21, 23, 33, 34, 39, are rejected under 35 U.S.C. 102(b) as being anticipated by Lipman US 5,075,606.**

4. As per claims 1, and 23, Lipman masks a signature of data entry by utilizing a computer fan, (Col 2 line 24).

As per claims 14 and 33, Lipman discloses a method to mask sound wave signature (noisy fan), (Col 2 line 24).

As per claims 15, and 34, Lipman discloses a method to mask sound wave signature (noisy fan), (Col 2 line 24).

As per claims 19, 20, and 39 Lipman discloses that a CPU fan may provide background noise, (fan is noisy), (Col 2 line 24).

**Claims 1, 14, 15, 16, 22, 23, 34 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Patrick US 5,778,081.**

5. As per claims 1, 14, 15, 16, 22, 23, 35 and 36 Patrick discloses an active noise control system that receives the signature (detects noise), and emits an audio signal that is out of phase to cancel the signature noise, (Col 4 lines 30-37).

**Claims 1, 14, 15, 17, 23, 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by McGregor US 4,052,720.**

6. As per claims 1, 14, 15, 17, 23, 34, 36, and 37, McGregor discloses emitting pre-recorded sounds (Music), (Col 3 line 61).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang US 5,828034.

As per claim 8, Chang discloses a range of temperatures from room temperature 21C (70F) to 49C (120F), (Col 3 line 46). It would have been obvious to pick a temperature in the middle of this range for user comfort, (Col 1 line 47).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang US 5,828034 in view of Jacobi Jr. US 4,727,655.

As per claim 13, Chang discloses heating the data entry device. Chang does not disclose using an infrared heat lamp.

Jacobi discloses an infrared heat lamp for heating, (Col 1 line 55, Col 5 line 3).

It would have been obvious to one skilled in the art to modify Chang's heating method, with Jacobi's heat lamp, because the lamp is economical and efficient, (Col 2 line 39).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang US 5,828034 in view of Lipman US 5,075,606 As per claim 21, Chang discloses that a blower, (fan), may blow temperature controlled air on a data entry device controlling the external temperature to reduce temperature differentials by the user (Col 3 line 60). Chang does not disclose a fan masks sound waves.

Lipman discloses a fan masks sound waves, (noisy fan), (Col 2 line 24).

It would be obvious to one skilled in the art to modify Chang's heating system with Lipman's fan, because the sound masking enhances confidentiality.

Claim 38 is objected to.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is 703-305-8023. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher J. Brown



August 6, 2003



GREGORY MORSE  
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